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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 96-191

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

The department’s analysis fails to specify why the gaseous hydrocarbons covered by the rule are hazardous and why less restrictive alternatives than banning the sale of the gaseous hydrocarbons are inadequate to protect public health and safety.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the department’s analysis, in the last clause of the second paragraph, either the first “and” should be deleted or a missing word should be inserted following “and.”

b. The department’s initial regulatory flexibility analysis indicates that any potential costs borne by businesses with banned inventory can be mitigated to the extent that the businesses seek refunds from distributors or the manufacturer under the refund remedies provided in s. 100.37 (7), Stats. Is it clear that this remedy will be available to businesses that purchase HC-12A before the rule (or any emergency rule counterpart) is in effect?

c. Section ATPC 139.04 (11) provides that the prohibition contained in the subsection does not apply to properly labeled substances intended for specific end uses that meet “recognized industry standards related to flammability” for the specific end use. What are these standards? Where can they be found? The appropriate method to incorporate by reference technical standards is found in s. 227.21, Stats. This section of the statutes ensures that, while unnecessary expense may be avoided, appropriate notice and availability is afforded to those with an interest in an administrative rule.